

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 31-33, 37 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhao et al. (US6120965).

Regarding claim 31, Zhao et al. teach “a method of fabricating an imaged lithographic printing member, the method comprising:

imaging a selected image (column 4, line 42) onto an image-transfer film (item 16) by applying an imaging-carrying material on selected areas of said image-transfer film (column 4, lines 51-61);

applying a fluid formulation onto a substrate (30) and/or the imaged image-transfer film (column 4, lines 62-67);

laminating the imaged image-transfer film with the substrate such that the fluid formulation is captured in between and the imaging-carrying material is dipped into the fluid formulation (column 5, lines 20-35); and

curing the fluid formulation to form a solid imaging layer (column 5, lines 12-15) of the imaged lithographic printing member, said solid imaging layer comprising said imaging-carrying material such that a surface of said imaging layer comprises a mirror image of said selected image (inherently, one of the two surfaces of the imaging layer

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will have a mirror image of said selected image).”

Regarding the limitation that the curing of the fluid formulation “form a solid imaging layer of the imaged lithographic printing member,” this limitation is interpreted to be an intended use of the copy sheet (30) of Zhao et al., and therefore does not define over the process of Zhao et al. Furthermore, no structural limitations have been imposed upon the claimed ‘lithographic printing member’ which would define over the copy sheet of Zhao et al. Finally, there is nothing to show that the copy sheet of Zhao et al. could not be used as a lithographic printing member.

Regarding claim 32, Zhao et al. further teach “releasing the image-transfer film from said imaging layer (column 5, lines 29-35) such that said mirror image of said selected image is exposed (this limitation is inherently met since the image is transferred to the substrate, revealing the mirror image).”

Regarding claim 33, Zhao et al. further teach “wherein the mirror image of said selected image and the remaining area of said surface have different affinities for ink and/or ink-repellent fluid (column 4, lines 56-58; column 5, lines 1-3).” Since the image is composed of pigment particles and the overlayer, which constitutes the remaining area, is composed of a different material, the two areas will inherently have different affinities. Furthermore, since the claimed structures are substantially identical, any claimed properties are presumed to be inherent. See MPEP 2112.01.

Regarding claim 37, Zhao et al. further teach “wherein the image-transfer film is used as a protective film and is released prior to printing (column 5, lines 29-35).”

Regarding claim 38, Zhao et al. further teach “wherein the imaging comprises

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printing said selected image onto the image transfer film using a laser printer (column 4, lines 40-45).”

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao et al.

Regarding claims 34 and 35, Zhao et al. teach all that is claimed, as in claim 31 above, including that the curing is accomplished via photochemically curing (column 5, line 13), but fail to specifically mention that the curing is accomplished “with UV radiation.” However, Examiner takes Official Notice that it was known at the time of the invention to cure adhesives or pigment images using UV radiation. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to use UV radiation in the photochemical curing step of Zhao et al. to cure the fluid formulation.

Regarding claim 35, Zhao et al. further teach that the energy is radiated “onto the image-transfer film (see the arrow radiating from item 26 in figure 1).”

Regarding claim 36, Zhao et al. teach all that is claimed, as in claim 31 above, but fail to teach that “the curing comprises radiating UV energy onto the substrate.” However, Examiner takes Official Notice that, at the time of the invention, it was known

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to post-expose an imaged member with UV radiation in order to complete the cure of the image and/or to increase the durability of the image. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to post-expose the image on the substrate with UV radiation to complete the cure of the image and/or to increase the durability of the image.

Response to Arguments

5. Applicants' arguments filed 11/02/09 have been fully considered but they are not persuasive.

Regarding the argument that Zhao et al. do not teach a method of forming an imaged lithographic printing member, this limitation is interpreted to be an intended use of the copy sheet (30) of Zhao et al., and therefore does not define over the process of Zhao et al. Furthermore, no structural limitations have been imposed upon the claimed 'lithographic printing member' which would define over the copy sheet of Zhao et al. Finally, there is nothing to show that the copy sheet of Zhao et al. could not be used as a lithographic printing member.

Even if Applicants were to include a limitation on the structure created by the method such that it defined over Zhao et al., Zhao et al. teach that the method can be used with any known or later developed device that needs to form an image (column 5, lines 49-51). Newly submitted reference Schank (US 3951063) shows a method of producing a lithographic printing plate using an electrophotographic process to create an image on the printing plate. Therefore, even if Zhao et al. do not anticipate the

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claims, one having ordinary skill in the art would have been motivated to use the process of Zhao et al. to make a lithographic printing plate, as taught by Schank.

6. Regarding applicants' argument that Zhao et al. do not teach a lamination operation, to laminate means to press or beat into thin sheets. Zhao et al. clearly teach in column 5, lines 20-35, that the image is transferred to substrate 30 by use of a pressure roller 28. Thus, this constitutes a lamination process.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. ZIMMERMAN whose telephone number is

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(571)272-2749. The examiner can normally be reached on M-R 8:30A - 6:00P,
Alternate Fridays 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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